

WILLIAM E. HATHORN

IBLA 80-627

Decided July 11, 1980

Appeal from decision by Eastern States Office, Bureau of Land Management, rejecting drawing entry card lease offer ES 22216.

Vacated and remanded.

1. Oil and Gas Leases: Applications: Generally

A drawing entry card lease offer submitted on an old edition of Form 3112-1 should not be rejected solely for failure to complete the DEC where the omission is of information (the name of the state which is the location of the lands sought) not required on the current edition of Form 3112-1.

APPEARANCES: William E. Hathorn, Esq., pro se.

OPINION BY ADMINISTRATIVE JUDGE HENRIQUES

William E. Hathorn appeals the decision dated March 4, 1980, wherein the Eastern States Office, Bureau of Land Management (BLM), rejected his drawing entry card (DEC) lease offer ES 22216, drawn with first priority for Parcel No. ES 191 in the September 1979 simultaneous oil and gas leasing program, for the stated reason that the DEC had not been completed inasmuch as the name of the state was omitted.

Appellant states his DEC was filed on Form 3112-1 (May 1974), and contained all the information required now on Form 3112-1 (April 1978). He contends the name of the state serves no useful purpose now and that it was deleted from the DEC when state prefixes were included in the parcel number, i.e., ES 191, WY 1234. He argues that the cited authority for rejection in Etta D. Harris, 29 IBLA 259 (1977), is no longer applicable, due to the revision of Form 3112-1.

We agree with appellant.

Although the Board has held to a strict construction of the term "fully executed," it has never held that more information be included on any application than is required on the current edition of the application form. Nor will we do so here.

[1] It is not proper to reject a DEC whose only potential defect is omission of the name of the state in which the land is situated, where the omission does not hinder the processing of the offer. Cf. David F. Owen, 45 IBLA 206 (1980). Where BLM modifies the DEC (Form 3112-1) by eliminating the need for the name of the state in which the land is situated, offerors using an old edition of the Form 3112-1 will not be penalized by rejection of the DEC for failure to insert the name of the state. The requirement for inclusion of the name of the state was eliminated by BLM in 1977, when the office abbreviation was included in the parcel number, i.e., ES 191. To require one who files an offer on the old form to list the state and the parcel prefix as well is simply to insist on a redundancy.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is vacated, and the case remanded to BLM for further appropriate action.

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Douglas E. Henriques  
Administrative Judge

We concur:

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Edward W. Stuebing  
Administrative Judge

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Frederick Fishman  
Administrative Judge

